

105TH CONGRESS  
1ST SESSION

# H. R. 2204

To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1997

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. GILCHREST, and Mr. CLEMENT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-  
5 ization Act of 1997”.

### 6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

## TITLE II—COAST GUARD MANAGEMENT

Sec. 201. Removal of cap on warrant officer severance pay.

Sec. 202. Authority to implement awards programs.

## TITLE III—MARINE SAFETY

Sec. 301. Extension of territorial sea for certain laws.

Sec. 302. Penalties for interfering with the safe operation of a vessel.

## TITLE IV—MISCELLANEOUS

Sec. 401. Vessel identification system amendments.

Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.

Sec. 403. Documentation of certain vessels.

Sec. 404. Conveyance of Coast Guard facility in Nahant, Massachusetts.

Sec. 405. Unreasonable obstruction to navigation.

Sec. 406. Financial responsibility for oil spill response vessels.

Sec. 407. Conveyance of Coast Guard property to Jacksonville University, Florida.

Sec. 408. Penalty for violation of international safety convention.

# 1           **TITLE I—AUTHORIZATION**

## 2   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3           Funds are authorized to be appropriated for nec-  
4   essary expenses of the Coast Guard, as follows:

5                   (1) For the operation and maintenance of the  
6           Coast Guard—

7                           (A) for fiscal year 1998, \$2,790,700,000;

8                           and

9                           (B) for fiscal year 1999, \$2,854,700,000;

10                   of which \$25,000,000 shall be derived each fis-  
11                   cal year from the Oil Spill Liability Trust  
12                   Fund.

13                   (2) For the acquisition, construction, rebuild-  
14           ing, and improvement of aids to navigation, shore

1 and offshore facilities, vessels, and aircraft, includ-  
2 ing equipment related thereto—

3 (A) for fiscal year 1998, \$401,000,000, of  
4 which \$2,000,000 shall be made available for  
5 concept evaluation for a replacement vessel for  
6 the Coast Guard icebreaker MACKINAW; and

7 (B) for fiscal year 1999, \$440,000,000;  
8 to remain available until expended, of which  
9 \$20,000,000 shall be derived each fiscal year from  
10 the Oil Spill Liability Trust Fund to carry out the  
11 purposes of section 1012(a)(5) of the Oil Pollution  
12 Act of 1990.

13 (3) For research, development, test, and evalua-  
14 tion of technologies, materials, and human factors  
15 directly relating to improving the performance of the  
16 Coast Guard's mission in support of search and res-  
17 cue, aids to navigation, marine safety, marine envi-  
18 ronmental protection, enforcement of laws and trea-  
19 ties, ice operations, oceanographic research, and de-  
20 fense readiness—

21 (A) for fiscal year 1998, \$19,500,000; and

22 (B) for fiscal year 1999, \$19,000,000;

23 to remain available until expended, of which  
24 \$1,000,000 may be made available in fiscal year  
25 1998 for fuel cell research, and of which \$3,500,000

1 shall be derived each fiscal year from the Oil Spill  
2 Liability Trust Fund to carry out the purposes of  
3 section 1012(a)(5) of the Oil Pollution Act of 1990.

4 (4) For retired pay (including the payment of  
5 obligations otherwise chargeable to lapsed appropria-  
6 tions for this purpose), payments under the Retired  
7 Serviceman's Family Protection and Survivor Bene-  
8 fit Plans, and payments for medical care of retired  
9 personnel and their dependents under chapter 55 of  
10 title 10, United States Code—

11 (A) for fiscal year 1998, \$652,000,000;

12 and

13 (B) for fiscal year 1999, \$692,000,000.

14 (5) For alteration or removal of bridges over  
15 navigable waters of the United States constituting  
16 obstructions to navigation, and for personnel and  
17 administrative costs associated with the Bridge Al-  
18 teration Program—

19 (A) for fiscal year 1998, \$17,300,000; and

20 (B) for fiscal year 1999, \$20,000,000,

21 to remain available until expended.

22 (6) For environmental compliance and restora-  
23 tion at Coast Guard facilities (other than parts and  
24 equipment associated with operations and mainte-

1 nance), \$21,000,000 for each of fiscal years 1998  
2 and 1999, to remain available until expended.

3 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
4 **AND TRAINING.**

5 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is  
6 authorized an end-of-year strength for active duty person-  
7 nel of—

8 (1) 37,944 as of September 30, 1998; and

9 (2) 38,038 as of September 30, 1999.

10 (b) MILITARY TRAINING STUDENT LOADS.—The  
11 Coast Guard is authorized average military training stu-  
12 dent loads as follows:

13 (1) For recruit and special training—

14 (A) for fiscal year 1998, 1424 student  
15 years; and

16 (B) for fiscal year 1999, 1424 student  
17 years.

18 (2) For flight training—

19 (A) for fiscal year 1998, 98 student years;  
20 and

21 (B) for fiscal year 1999, 98 student years.

22 (3) For professional training in military and ci-  
23 vilian institutions—

24 (A) for fiscal year 1998, 283 student  
25 years; and

1 (B) for fiscal year 1999, 283 student  
2 years.

3 (4) For officer acquisition—

4 (A) for fiscal year 1998, 814 student  
5 years; and

6 (B) for fiscal year 1999, 810 student  
7 years.

8 **TITLE II—COAST GUARD**  
9 **MANAGEMENT**

10 **SEC. 201. REMOVAL OF CAP ON WARRANT OFFICER SEVER-**  
11 **ANCE PAY.**

12 Section 286a(d) of title 14, United States Code, is  
13 amended by striking the last sentence.

14 **SEC. 202. AUTHORITY TO IMPLEMENT AWARDS PROGRAMS.**

15 Section 93 of title 14, United States Code, is amend-  
16 ed—

17 (1) in paragraph (3), by striking the period at  
18 the end and inserting a semicolon;

19 (2) in paragraph (4), by redesignating subpara-  
20 graphs (1) and (2) as subparagraphs (A) and (B),  
21 respectively;

22 (3) by redesignating paragraphs (a) through (u)  
23 in order as paragraphs (1) through (21);

24 (4) by redesignating the existing text (as so  
25 amended) as subsection (a); and

1           (5) by adding at the end the following new sub-  
2           section:

3           “(b) The Commandant may provide for the honorary  
4           recognition of individuals and organizations, including  
5           State and local governments and commercial and non-  
6           profit organizations, that significantly contribute to Coast  
7           Guard programs, missions, or operations, by awarding  
8           plaques, medals, trophies, badges, and similar items to ac-  
9           knowledge that contribution.”.

## 10           **TITLE III—MARINE SAFETY**

### 11           **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN** 12           **LAWS.**

13           (a) PORTS AND WATERWAYS SAFETY ACT.—Section  
14           102 of the Ports and Waterways Safety Act (Public Law  
15           92–340; 33 U.S.C. 1222) is amended by adding at the  
16           end the following:

17           “(5) ‘Navigable waters of the United States’ in-  
18           cludes all waters of the territorial sea of the United  
19           States as described in Presidential Proclamation  
20           5928 of December 27, 1988.”.

21           (b) TITLE 46, UNITED STATES CODE.—Subtitle II  
22           of title 46, United States Code, is amended as follows:

23           (1) In section 2101—

24                       (A) by redesignating paragraph (17a) as  
25                       paragraph (17b); and

1 (B) by inserting after paragraph (17) the  
2 following:

3 “(17a) ‘navigable waters of the United States’  
4 includes all waters of the territorial sea of the Unit-  
5 ed States as described in Presidential Proclamation  
6 5928 of December 27, 1988.”.

7 (2) In section 2301, by inserting “(including  
8 the territorial sea of the United States as described  
9 in Presidential Proclamation 5928 of December 27,  
10 1988,)” after “of the United States”.

11 (3) In section 4102(e), by striking “on the high  
12 seas” and inserting “beyond 3 nautical miles from  
13 the baseline from which the territorial sea of the  
14 United States is measured”.

15 (4) In section 4301(a), by inserting “(including  
16 the territorial sea of the United States as described  
17 in Presidential Proclamation 5928 of December 27,  
18 1988)” after “of the United States”.

19 (5) In section 4502(a)(7), by striking “on ves-  
20 sels that operate on the high seas” and inserting  
21 “beyond 3 nautical miles from the baseline from  
22 which the territorial sea of the United States is  
23 measured”.

24 (6) In section 4506(b), by striking paragraph  
25 (2) and inserting the following:



1 “(2) is operating—

2 “(A) in internal waters of the United  
3 States, or

4 “(B) within 3 nautical miles from the  
5 baseline from which the territorial sea of the  
6 United States is measured.”.

7 (7) In section 8502(a)(3), by striking “not on  
8 the high seas” and inserting: “not beyond 3 nautical  
9 miles from the baseline from which the territorial  
10 sea of the United States is measured”.

11 (8) In section 8503(a), by striking paragraph  
12 (2) and inserting the following:

13 “(2) is operating—

14 “(A) in internal waters of the United  
15 States, or

16 “(B) within 3 nautical miles from the  
17 baseline from which the territorial sea of the  
18 United States is measured.”.

19 **SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE**  
20 **OPERATION OF A VESSEL.**

21 (a) IN GENERAL.—Section 2302 of title 46, United  
22 States Code, is amended—

23 (1) by amending the section heading to read as  
24 follows:

1 **“§ 2302. Penalties for negligent operations and inter-**  
 2 **fering with safe operation”;**

3 and

4 (2) in subsection (a) by striking “that endan-

5 gers” and inserting “or interfering with the safe op-

6 eration of a vessel, so as to endanger”.

7 (b) CLERICAL AMENDMENT.—The table of sections

8 at the beginning of chapter 23 of title 46, United States

9 Code, is amended by striking the item relating to section

10 2302 and inserting the following:

“Penalties for negligent operations and interfering with safe operation.”.

## 11 **TITLE IV—MISCELLANEOUS**

### 12 **SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.**

13 Title 46, United States Code, is amended—

14 (1) in section 12102(a), by striking “or is not

15 titled in a State”;

16 (2) in section 12301, by adding at the end the

17 following:

18 “(c) A documented vessel shall not be titled or re-

19 quired to display numbers under this chapter by a State,

20 and any certificate of title issued by a State for a docu-

21 mented vessel shall be surrendered in accordance with reg-

22 ulations prescribed by the Secretary.

23 “(d) The Secretary may approve the surrender under

24 subsection (c) of a certificate of title covered by a pre-

1 ferred mortgage under section 31322(d) of this title only  
2 if the mortgagee consents.”;

3 (3) in section 31322—

4 (A) by amending subsection (b) to read as  
5 follows:

6 “(b) Any indebtedness secured by a preferred mort-  
7 gage that is filed or recorded under this chapter, or that  
8 is subject to a mortgage or instrument that is deemed to  
9 be a preferred mortgage under subsection (d) of this sec-  
10 tion, may have any rate of interest to which the parties  
11 agree.”; and

12 (B) in subsection (d), by amending para-  
13 graph (3) to read as follows:

14 “(3) A preferred mortgage under this subsection con-  
15 tinues to be a preferred mortgage even if the vessel is no  
16 longer titled in the State where the mortgage or instru-  
17 ment granting a security interest became a preferred  
18 mortgage under this subsection.”; and

19 (4) in section 31325—

20 (A) in subsection (b)(1), by inserting “a  
21 vessel titled in a State,” after “a vessel to be  
22 documented under chapter 121 of this title,”;

23 (B) in subsection (b)(3), by inserting “a  
24 vessel titled in a State,” after “a vessel for

1           which an application for documentation is filed  
2           under chapter 121 of this title,”; and

3                   (C) in subsection (c), by inserting “a vessel  
4           to be documented under chapter 121 of this  
5           title,”.

6 **SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAIN-**  
7 **ING FACILITY, JACKSONVILLE, FLORIDA.**

8       (a) IN GENERAL.—Notwithstanding any other provi-  
9       sion of law—

10           (1) the land and improvements thereto compris-  
11       ing the Coast Guard Reserve training facility in  
12       Jacksonville, Florida, is deemed to be surplus prop-  
13       erty; and

14           (2) the Commandant of the Coast Guard shall  
15       dispose of all right, title, and interest of the United  
16       States in and to that property, by sale, at fair mar-  
17       ket value.

18       (b) RIGHT OF FIRST REFUSAL.—Before a sale is  
19       made under subsection (a) to any other person, the Com-  
20       mandant of the Coast Guard shall give to the city of Jack-  
21       sonville, Florida, the right of first refusal to purchase all  
22       or any part of the property required to be sold under that  
23       subsection.

1 **SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.**

2 (a) GENERAL WAIVER.—Notwithstanding section 27  
3 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883),  
4 section 8 of the Act of June 19, 1886 (46 App. U.S.C.  
5 289), and sections 12106 and 12108 of title 46, United  
6 States Code, the Secretary of Transportation may issue  
7 a certificate of documentation with appropriate endorse-  
8 ment for each of the following vessels:

9 (1) SEAGULL (United States official number  
10 1038605).

11 (2) BAREFOOT CONTESA (United States of-  
12 ficial number 285410).

13 (3) PRECIOUS METAL (United States official  
14 number 596316).

15 (4) BLUE HAWAII (State of Florida registra-  
16 tion number FL0466KC).

17 (5) SOUTHERN STAR (United States official  
18 number 650774).

19 (6) KEEWAYDIN (United States official num-  
20 ber 662066).

21 (7) W.G. JACKSON (United States official  
22 number 1047199).

23 (8) The vessel known as hopper barge E-15  
24 (North Carolina State official number 264959).

1 (9) MIGHTY JOHN III (formerly the NIAG-  
2 ARA QUEEN, Canadian registration number  
3 318746).

4 (10) MAR Y PAZ (United States official num-  
5 ber 668179).

6 (11) SAMAKEE (State of New York registra-  
7 tion number NY 4108 FK).

8 (12) NAWNSENSE (United States official  
9 number 977593).

10 (b) DOCUMENTATION OF JUAN PATRICIO.—

11 (1) AUTHORITY TO DOCUMENT VESSEL.—

12 (A) IN GENERAL.—Notwithstanding sec-  
13 tion 27 of the Merchant Marine Act, 1920 (46  
14 App. U.S.C. 883), section 8 of the Act of June  
15 19, 1886 (46 App. U.S.C. 289), and section  
16 12106 of title 46, United States Code, the Sec-  
17 retary of Transportation may issue a certificate  
18 of documentation with an appropriate endorse-  
19 ment for employment in coastwise trade for the  
20 vessel JUAN PATRICIO Argentinean registra-  
21 tion number 6449.

22 (B) CONDITION.—The Secretary may not  
23 issue a certificate of documentation for a vessel  
24 under subparagraph (A) unless, not later than  
25 90 days after the date of enactment of this Act,

1 the owner of the vessel submits to the Secretary  
2 a letter certifying that the owner either—

3 (i) has executed a contract for the  
4 construction in the United States of a pas-  
5 senger vessel of at least 175 feet in length;  
6 or

7 (ii) intends to execute a contract for  
8 construction in the United States of a pas-  
9 senger vessel of at least 175 feet in length  
10 before February 1, 1998.

11 (C) EFFECTIVE DATE OF CERTIFI-  
12 CATION.—A certificate of documentation issued  
13 under subparagraph (A) shall take effect on the  
14 date of delivery of the vessel to the owner.

15 (2) TERMINATION OF EFFECTIVENESS OF CER-  
16 TIFICATE.—A certificate of documentation issued for  
17 the vessel under paragraph (1)(A) shall expire upon  
18 the occurrence of any of the following, whichever is  
19 earliest:

20 (A) The date of sale of the vessel by the  
21 owner.

22 (B) February 1, 1998, if the owner of the  
23 vessel made a certification to the Secretary in  
24 accordance with paragraph (1)(B)(ii) and a

1 contract for construction of a vessel has not  
2 been executed.

3 (C) Any date on which the contract re-  
4 ferred to in subparagraph (B) is breached, re-  
5 scinded, or terminated (other than for comple-  
6 tion or performance of the contract) by the  
7 owner of the vessel referred to in paragraph  
8 (1)(A).

9 (D) Two years after the date of issuance.

10 (c) OWNERSHIP OF VESSEL PHILADELPHIA.—

11 Notwithstanding section 2 of the Shipping Act, 1916 (46  
12 App. U.S.C. 802, 803) and section 12102(a)(4) of title  
13 46, United States Code, the parent corporation of the cor-  
14 poration holding title to the vessel PHILADELPHIA  
15 (United States official number 654192) on May 3, 1995,  
16 is deemed on that date and thereafter to be a citizen of  
17 the United States for purposes of owning corporations  
18 whose vessels are eligible for documentation under chapter  
19 121 of title 46, United States Code, with a coastwise en-  
20 dorsement, if—

21 (1) the chief executive officer of the parent cor-  
22 poration is a citizen of the United States;

23 (2) the chairman of the board of directors of  
24 the parent corporation is a citizen of the United  
25 States, and the number of its directors who are non-



1 citizens does not exceed a minority of the number  
2 necessary to constitute a quorum;

3 (3) the parent corporation meets the stock own-  
4 ership requirements of section 2 of the Shipping Act,  
5 1916, for operating a vessel in the coastwise trade;

6 (4) the corporation holding title is otherwise eli-  
7 gible to own a vessel operated in the coastwise trade;  
8 and

9 (5) the vessel is otherwise eligible to be oper-  
10 ated in the coastwise trade.

11 **SEC. 404. CONVEYANCE OF COAST GUARD FACILITY IN**  
12 **NAHANT, MASSACHUSETTS.**

13 (a) **AUTHORITY TO CONVEY.**—

14 (1) **IN GENERAL.**—The Secretary of Transpor-  
15 tation may convey, by an appropriate means of con-  
16 veyance, all right, title, and interest of the United  
17 States in and to the property comprising United  
18 States Coast Guard Recreation Facility Nahant,  
19 Massachusetts, to the town of Nahant, Massachu-  
20 setts.

21 (2) **IDENTIFICATION OF PROPERTY.**—The Sec-  
22 retary may identify, describe, and determine the  
23 property to be conveyed under this section.

24 (b) **TERMS AND CONDITIONS.**—Any conveyance of  
25 property under this section shall be made—

- 1 (1) without payment of consideration; and
- 2 (2) subject to the terms and conditions the Sec-
- 3 retary considers appropriate.

4 **SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.**

5 Notwithstanding any other provision of law, the  
 6 liftbridge over the back channel of the Schuylkill River in  
 7 Philadelphia, Pennsylvania, is deemed to unreasonably ob-  
 8 struct navigation for purposes of the Act entitled “An Act  
 9 to provide for the alteration of certain bridges over navi-  
 10 gable waters of the United States, for the apportionment  
 11 of the cost of such alterations between the United States  
 12 and the owners of such bridges, and for other purposes”,  
 13 approved June 21, 1940 (chapter 409; 33 U.S.C. 511–  
 14 523), popularly known as the “Hobbs Bridge Act” and  
 15 the “Truman-Hobbs Bridge Act”.

16 **SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RE-**  
 17 **SPONSE VESSELS.**

18 Section 1004(a)(2) of the Oil Pollution Act of 1990  
 19 (33 U.S.C. 2704(a)(2)) is amended by inserting “includ-  
 20 ing a vessel responding to a discharge of substantial threat  
 21 of a discharge of oil,” after “vessel,”.

22 **SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO**  
 23 **JACKSONVILLE UNIVERSITY, FLORIDA.**

24 (a) **AUTHORITY TO CONVEY.**—

1           (1) IN GENERAL.—The Secretary of Transpor-  
 2           tation may convey to the University of Jacksonville,  
 3           Florida, without consideration, all right, title, and  
 4           interest of the United States in and to the property  
 5           comprising the Long Branch Rear Range Light,  
 6           Jacksonville, Florida.

7           (2) IDENTIFICATION OF PROPERTY.—The Sec-  
 8           retary may identify, describe, and determine the  
 9           property to be conveyed under this section.

10          (b) TERMS AND CONDITIONS.—Any conveyance of  
 11          any property under this section shall be made—

12               (1) subject to the terms and conditions the  
 13               Commandant may consider appropriate; and

14               (2) subject to the condition that all right, title,  
 15               and interest in and to property conveyed shall imme-  
 16               diately revert to the United States if the property,  
 17               or any part thereof, ceases to be used by Jackson-  
 18               ville University, Florida.

19       **SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL**  
 20               **SAFETY CONVENTION.**

21          (a) IN GENERAL.—Section 2302 of title 46, United  
 22          States Code, is amended by adding at the end the follow-  
 23          ing new subsection:

24               “(e)(1) A vessel may not transport cargoes sponsored  
 25          by the United States Government if—

1           “(A) the vessel has been detained by the Sec-  
2       retary for violation of an international safety conven-  
3       tion to which the United States is a party, and the  
4       Secretary has published notice of that detention in  
5       an electronic form, including the name of the owner  
6       of the vessel; or

7           “(B) the owner of the vessel has had more than  
8       one vessel detained by the Secretary for violation of  
9       an international safety convention to which the Unit-  
10      ed States is a party, and the Secretary has published  
11      notice of that detention in an electronic form, in-  
12      cluding the name of the owner of the vessel.

13       “(2) The prohibition in paragraph (1) expires for a  
14      vessel 1 year after the date of the publication in electronic  
15      form on which the prohibition is based.”.

16       (b) EFFECTIVE DATE.—The amendment made by  
17      subsection (a) takes effect January 1, 1998.

○